

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 8, 2007

DIVISION ONE

B188274 Percy Dezoysa (Not for Publication)
 v.
 Los Angeles Metropolitan Transit Authority et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

B183874 People (Not for Publication)
 v.
 Sleven Jenkins

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION FOUR

Court convened at 9:00 a.m. at Southwestern Law School.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

DIVISION FOUR (Continued)

Each of the following:

B187537 People v. Delacruz
B188361 People v. Miranda
B187094 People v. Davis
B187964 People v. Lesopravsky
B190256 People v. Arron D.

Argument waived, cause submitted.

B187492 Los Angeles County, D.C.S.
 v.
 Peter Z.

Merits:

Argued by John Cahill for appellant and by Frank J. Da Vanzo, Deputy
County Counsel for respondent. Cause submitted.

B188779 North Beverly Park Homeowners Association
 v.
 Bisno, et al.

Merits:

Argued by Marshall G. Mintz for appellants and by Denise M. Parga for
respondent. Cause submitted.

B189843 Hauser
 v.
 Josephthal & Company, Inc., et al.

Merits:

Argued by Eric A. Woosley for appellant and by Michael Schwartzberg for
respondents. Cause submitted.

DIVISION FOUR (Continued)

B174512 O'Neill et al.
 v.
 Novartis Corporation

Merits:

Argued by Sharon J. Arkin for appellants and by Aton Arbisser for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m. at Southwestern Law School.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B190580 People v. Payne
B190998 DCFS v. Michael M.

Argument waived, cause submitted.

B192558 People
 v.
 Stokes

Merits:

Argued by Jeffrey Lewis, Deputy Attorney General for appellant and by Joseph P. Lee for respondent. Cause submitted.

DIVISION FOUR (Continued)

B190200 People
 v.
 Vaughn

Merits:

Argued by James Koester for appellant and by Rama R. Maline, Deputy Attorney General for respondent. Cause submitted.

B188161 People
 v.
 Gonzales

Merits:

Argued by Edward J. Haggerty for appellant and by Steven Mercer, Deputy Attorney General for respondent. Cause submitted.

B190671 AIMCO Venezia
 v.
 State Historical Resources Commission, et al.
 Seward

Merits:

Argued by Amanda M. Seward appellant in propria persona; by Robert D. Crockett for respondent Venezia and by Gary Tavetian, Deputy Attorney General for respondent State Historical Resources Commission. Cause submitted.

B190056 Sherman
 v.
 Barrett

Merits:

Argued by Jerid R. Maybaum for appellant and by Charles M. Farano for respondent. Cause submitted.

DIVISION FOUR (Continued)

B188322 Beverly Hills Unified School District
 v.
 Gulf Underwriters Insurance Company

Merits:
Argued by Mark L. Jubelt for appellant and by David B. Babbe for
respondent. Cause submitted.

B183896 Cuizon
 v.
 Pacific Hospital of the Valley

Merits:
Argued by Ian Noel for appellant and by Erica A. Levitt for respondent.
Cause submitted.

B189572 Solis
 v.
 City of Los Angeles

Merits:
Argued by Kenneth Townsend for appellant and by Blithe S. Bock, Deputy
City Attorney for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

B187025 Danny Barnes
 v.
 Timothy Larson

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B192230 John Clement (Not for Publication)
 v.
 Geico General Insurance Company

The June 14, 2006 order denying costs is reversed. On remand, the trial court is to determine the proper cost award in favor of plaintiff, John Clements, consistent with *Pilimai v. Farmers Ins. Exchange Co., supra*, 39 Cal.4th at pages 139-151. Plaintiff is to recover his costs on appeal from defendant, Geico General Insurance Company.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B188263 Jose Castillo
 v.
 Marco Barrera

Filed order denying petition for rehearing.

DIVISION SIX

B190262 People (Not for Publication)
 v.
 Koziel

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SIX (Continued)

B182186 McKenzie (Not for Publication)

V.

Scottsdale Insurance Company

The order awarding attorney fees to McKenzie is vacated and the matter remanded for a jury trial (or determination by the court by stipulation) of the amount of attorney fees recoverable as tort damages under *Brandt v. Superior Court*, supra, 37 Cal.3d at page 819. Otherwise the judgment is affirmed. The parties shall bear their own costs.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

B186974 People (Not for Publication)

V.

Evangelista

The trial court is directed to modify the abstract of judgment and September 30, 2005, minute order by striking the \$10,000 parole revocation fine imposed pursuant to section 1202.45, and to forward the modified abstract of judgment to the Department of Corrections. As so modified, the judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

DIVISION EIGHT

B186400 Franciscan Hill Homeowners Assoc. (Not for Publication)
v.
State Farm Fire and Casualty Company

The order granting a new trial as to the first cause of action for unpaid policy benefits only is affirmed. The order sustaining the demurrer to the second amended complaint's second and fourth causes of action from the second amended complaint is also reversed. In all other respects, the trial court orders are affirmed. On remand, HAO will have 30 days from the date our remittitur issues to file a third amended complaint in conformity with our decision. HOA is awarded its costs on appeal.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B188946 People (Not for Publication)
v.
Heims

Appellant's sentence is vacated and the case is remanded for resentencing. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.